

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MICHAEL H. DORAN, INDIVIDUALLY,
MICHAEL H. DORAN & ASSOCIATES, P.C.
MICHAEL H. DORAN AS PLAN
ADMINISTRATOR OF THE MICHAEL H.
DORAN & ASSOCIATES VOLUNTARY
EMPLOYEE BENEFICIARY ASSOCIATION AND
TRUST, THOMAS DORAN, and CHRISTOPHER M.
MURPHY,

Plaintiffs,

v.

ORDER
05-CV-364

NICHOLAS P. MAGALHAES, PINNACLE
WEALTH GROUP LLC, PINNACLE WEALTH
ENTERPRISES, LLC, PINNACLE WEALTH
GROUP OF MOUNT VERNON LLC, ARTHUR J.
GORDON, MICHELLE SOFOS, NORTH FORK
BANCORPORATION, INC., NORTH FORK BANK,
MID-STATES BENEFITS CORPORATION and
ASSET ACCUMULATION, INC.

Defendants.

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr.
pursuant to 28 U.S.C. § 636(b)(1), on July 27, 2005. On August 28, 2007,
plaintiffs filed a motion for partial summary judgment. On February 19, 2009,
Magistrate Judge Schroeder filed a Report and Recommendation, recommending

that plaintiffs' motion for partial summary judgment on the issue of liability for breach of contract only be granted as against defendant North Fork Bank.

Defendant North Fork Bank filed objections to the Report and Recommendation on March 3, 2009 and plaintiffs filed a response thereto. Oral argument on the objections was held on March 31, 2009.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, plaintiffs' motion for partial summary judgment on the issue of liability for breach of contract is granted as against North Fork Bank. This case is referred back to Magistrate Judge Schroeder for further proceedings.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: March 31, 2009